Atlantic Richfield Company

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June 26, 2017

Ms. Lynda Deschambault
Mr. Gary Riley
SFD-7-2
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Waste Material Off-Site Shipment Notification: HDS Treatment Generated Solids Leviathan Mine, Alpine County, California

Dear Ms. Deschambault and Mr. Riley:

Atlantic Richfield Company ("Atlantic Richfield") is submitting this letter in accordance with Paragraph 64 ("Off-Site Shipments") of the Administrative Settlement Agreement and Order on Consent for Removal Action, CERCLA Docket No. 2009-29 (effective January 21, 2009) (the "AOC"). This letter provides written notification of an off-site shipment of Waste Material (as defined in the AOC) to an out-of-state waste management facility described as follows:

(1) Name and location of facility to which Waste Material is to be shipped:	US Ecology Nevada, Inc. P.O. Box 578 Beatty, NV 89003 Phone: 1.800.239.3943
(2) Type and Quantity of Waste Material to be shipped:	Treatment generated waste consisting of precipitated solids from lime treatment of acid drainage from the Channel Underdrain and Delta Seep using the High Density Sludge (HDS) Treatment System; the Waste Material was collected in two 25 cubic yard fabric lined filter bins approximately 25 cubic yards of Waste Material will be shipped.
(3) Expected schedule for shipment of the Waste Material:	Waste is scheduled to be shipped on June 27, 2017
(4) Method of Transportation:	By truck.

In addition to EPA, Atlantic Richfield is providing a copy of this written notification per the AOC to Mr. Eric Noack, with the Nevada Division of Environmental Protection Bureau of Waste Management. By

letter dated February 6, 2009, Atlantic Richfield requested EPA's certification that the US Ecology facility in Beatty, Nevada is operating in compliance with the requirements of CERCLA Section 121(d)(3), § 9621(d)(3), and 40 C.F. R. § 300.440.

Regulatory Status

Atlantic Richfield's waste management contractor, Ponder Environmental Services, and US Ecology disposal facility have classified the Waste Material as described below.

HDS Treatment Generated Solids

A sample of the HDS Treatment generated Waste Material was collected by Broadbent & Associates, Inc. personnel on May 25, 2017 and submitted to Test America Laboratories, Inc. in Irvine, California for TCLP, TTLC, STLC and SPLP analyses (see Attachment A - Laboratory Analytical Results of HDS Treatment Generated Solids). Based upon Atlantic Richfield's knowledge of the hazardous characteristics of the Waste Material, in light of the process used to generate this Waste Material, and upon analytical test results from a National Environmental Laboratory Accreditation Program ("NELAP") accredited testing facility: (i) the Waste Material is not a listed hazardous waste or a characteristic hazardous waste under Subtitle C of RCRA, even without the waste exemptions identified above, and (ii) the Waste Material is a California characteristic hazardous waste based on the STLC nickel concentration (*see* California Code of Regulations, Title 22). This determination is based upon the following:

1) The NELAP accredited laboratory analytical results from representative samples of the Waste Material proposed for off-site shipment show that the parameter concentrations are less than the federal toxicity criteria for TCLP. Laboratory results also show that the Waste Material does not exceed California TTLC regulatory threshold values. Nickel was detected in the Waste Material sample at a concentration of 36 mg/L, which is above the California STLC regulatory threshold value of 20 mg/L for the toxicity characteristic. Other parameter concentrations in the Waste Material were below STLC regulatory threshold values.
2) The Waste Material does not have the characteristics of ignitability under 40 CFR § 261.21. The Waste Material does not have a flash point of less than 140 degrees Fahrenheit (°F) and is not capable of spontaneous combustion under standard pressure and temperature.
3) The Waste Material does not exhibit the characteristics of corrosivity under 40 CFR § 261.22. The Waste Material has a pH greater than 2.0 standard units (s.u.) and less than 12.5 s.u.
4) The Waste Material does not exhibit the characteristics of reactivity under 40 CFR § 261.23. The Waste Material does not react violently with air or water, is not unstable in normal environmental conditions, does not react with water or corrosives to produce toxic gases, and is not explosive.
5) The Waste Material is not listed as a hazardous waste under federal law.

If you have any questions or comments, please feel free to contact me at the numbers above or via e-mail at anthony.brown@bp.com.

Sincerely,

Anthony Brown
Project Manager Mining

Enclosures:
Attachment A – Laboratory Analytical Results of HDS Treatment Generated Solids

cc: Eric Noack, NDEP Bureau of Waste Management – via electronic
Nathan Block, BP – via electronic
Reginald Ilao, Atlantic Richfield Company – via electronic
Adam Cohen, Esq. Davis Graham & Stubbs LLP – via electronic
Dave McCarthy, Copper Environmental Consulting – via electronic
Marc Lombardi, Amec Foster Wheeler Environment & Infrastructure, Inc. – via electronic

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◀ &RQFHQWUDWLRQ OLPLW IRU WRWDO FKURPLXP DQG RU FKURPLXP ♂ ,,,□ LV ◀ ↑ !! !! PJ↕ / DQG OLPLW IRU FKURPLXP ◀ 7KH IHGHUDO KD]DUGRXV ZDWHU OHYHO IRU VRXEECH FKURPLXP LV ↑ PJ↕ /◀ &DOLIRUQLD KDV D :DWHU (QIDFWRU FKURPLXP ♂ ,,,□ ♂ ↑ ◀ PJ↕ /□ DQG FKURPLXP ♂ 9,□ ♂ ↑ PJ↕ /□◀ 7R XVH WKH ↑ ◀ !! PJ↕ / UHJXODWRU\ WKH ZDWHU LV QRW D 5HVRXUFH &RQVHUYDWLRQ 5HFRYHU\ $FW ♂ 5&5$□ ZDWHU◀

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GHWHFWLRQ OLPLW◀

%◀ &RPSRXQG ZDV IRXQG LQ WKH ECDQN DQG LQ WKH VDPSOH

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PJ↕ NJ ◀ PLOOLJUDPV SHU NLORJUDP

1$ ◀ 1RW DSSOLFDEOH

63/3 ◀ 6\QWKHWLF 3UHFLSLWDWLRQ /HDFKLQJ 3URFHGXUH

67/& ◀ 6ROXEOH 7KUHVKROG /LPLW &RQFHQWUDWLRQ

7&/3 ◀ 7R[LFLW\ &KDUDFWHULVWLF /HDFKLQJ 3URFHGXUH